

REMARKS/ARGUMENTS

Claim 17 is pending in the present application, and has been amended herewith. Reconsideration of such claim is respectfully requested.

I. 35 U.S.C. § 112, Second Paragraph

Claim 17 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection is respectfully traversed.

Applicants have amended such claim to eliminate the objectionable language of “an arbitrary selection process”.

Therefore, the rejection of Claim 17 under 35 U.S.C. § 112, second paragraph has been overcome.

II. 35 U.S.C. § 103, Obviousness

Claim 17 stands rejected under 35 U.S.C. § 103 as being unpatentable over Liskov et al. (U.S. Publication No. 2005/0076104), hereinafter “Liskov”. This rejection is respectfully traversed.

Applicants have amended Claim 17 to emphasize the architectural environment for which the present claim is directed – an enhanced publish/subscribe message system where a network of publishers and subscribers provide a notification system where a message published by a sender is *only received by one subscriber within a subscription, even though there are multiple subscribers to such subscription* (Specification page 7, paragraph [0025]). The enhanced publish/subscribe notification system thereby advantageously provides an ability to load balance *between the multiple subscribers of a given subscription* as only one such subscriber of the given subscription receives a given message directed to the subscription notwithstanding that there are multiple subscribers that are subscribed to such subscription.

In contrast to the claimed publish/subscribe message system, the cited Liskov reference describes a system that pre-positions data/content in a network *for subsequent retrieval by an individual requesting client that issues a content request for the content* (Liskov paragraph [0005]-[0006]). Such a client request system does not describe any type of publish/subscribe system where a user/subscriber subscribes to various types of content (“topic”) via a subscription, which is then *pushed* to the client. Instead, the Liskov system is a *pull* system where a client requests the particular, specific content that they desire to access (Liskov

paragraphs [0002]-[0003], particularly paragraph [0002], lines 4-12). These differences will now be described in detail.

With respect to Claim 17, Applicants have amended such claim to define the publish/subscribe message system as per the Specification description at page 7, paragraph [0025] et seq. As amended, such claim recites “An enhanced publish/subscribe messaging system servicing method, where producers associate messages with a specific topic and the messaging system routes the messages to subscribers based upon specific topics for which the subscribers are subscribed to”. The cited reference does not teach such a subscriber registration system. The Examiner cites Liskov’s description at page [0040], lines 1-5 as teaching the publishing of a message related to a topic. Applicants urge that such publication is done in order to pre-position content on a network (Liskov paragraphs [0005] – [0006]) in order to process/provide content to clients *based on subsequently received requests from the clients* (Liskov paragraphs [0002] – [0003]). Such pre-positioning of content is not done based upon topics for which a subscriber is registered/subscribed for, as is provided by the features of amended Claim 17, but instead is pre-positioned as determined by a content distribution network operator (Liskov paragraph [0011], lines 12-16).

This distinction can also be seen by Liskov’s description at paragraph [0055], lines 1-7, which is cited as teaching the subscriber subscription aspect of the present invention. There, Liskov describes the *selection of content engines that will be used to pre-position content*, but does not describe any type of subscribers that use a subscription program to *subscribe to a subscription related to a topic*, as is provided by the features of amended Claim 17. Thus, it is further urged that amended Claim 17 is not anticipated by the cited reference.

Further with respect to Claim 17, such claim recites “a subscription dispatcher program making a selection of only one of the plurality of subscribers that are subscribed to the subscription related to the topic to receive the copy of the message; wherein the message delivery program delivers the copy of the message to said one of the plurality of subscribers that are subscribed to the subscription related to the topic and not to any other subscriber of the plurality of subscribers that are subscribed to the subscription related to the topic”. As can be seen, per Claim 17 there is a subscription dispatcher program for making a selection of only one of the plurality of subscribers to receive a copy of the message (and not to any others).

In rejecting this aspect of Claim 17, the Examiner cites Liskov's teaching at paragraph [0056], lines 8-14 as teaching such subscription dispatch program in that there Liskov describes a path manager process that selects a content engine for distribution of messages. Applicants urge that such content engine selection is done such that content can be pre-positioned in the network (Liskov paragraphs [0005]-[0006]), in anticipation of processing subsequent user requests for content (Liskov paragraph [0004], lines 6-12). Quite simply, Liskov's content engine is not equivalent to the claimed 'subscriber' as the Liskov content engine does not subscribe to a subscription related to a topic, as per the features of amended Claim 1. Instead, the content engine is used to maintain a copy of data/content that is used to fulfill a subsequently received client request for data/content (Liskov paragraph [0003], lines 11-22; paragraph [0005], lines 1-8), as determined by a content distribution network operator (paragraph [0011], lines 12-16). Thus, it is further shown that amended Claim 17 is not anticipated by the cited reference.

Therefore, the rejection of Claim 17 under 35 U.S.C. § 103 has been overcome.

III. Conclusion

It is respectfully urged that the subject application is patentable over the cited reference and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

/Wayne P. Bailey/

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